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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,425	08/03/2001	Gary Mittman	R258-DB	7477
31718	7590	11/22/2005	EXAMINER	
BELASCO, JACOBS & TOWNSLEY LLP HOWARD HUGHES CENTER 6100 CENTER DRIVE SUITE 630 LOS ANGELES, CA 90045			RETTA, YEHDEGA	
			ART UNIT	PAPER NUMBER
			3622	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/922,425

Applicant(s)

MITTMAN ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed September 2, 2005. Claims 1-8 are currently pending.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over “Intel’s Pentium II gets \$20 mil intro (Intel launching Pentium II microprocessor worldwide on 5/7/97 backed by \$20 mil ad campaign)” Advertising Age, v68, n18, p16, May 5, 1997, (hereinafter Advertising Age), in view of Houri U.S. Patent No. 6,665,715 and further in view of Muret et al. U. S. Patent No. 6,792,458.

Regarding claim 1 Advertising age teaches advertising media purchase placed in either of movies, video, television, print, etc., said media purchase including an Internet website address for accessing further information related to the subject matter of the media purchase, start data, end data and geographic area for the plurality of media purchases and tracking the Internet-related goals achieved by the Internet user (accessing the website) (see page 1). Advertising age teaches the company launching an ad with a three days schedule in New York time, USA Today, The Wall Street Journal and handful of major metro papers. Page ads and spreads, starting May 19 in business magazines and computer publication. Advertising age teaches the company using

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one web address in print ads and another in banner ads to measure the effectiveness of each medium in driving the traffic to the site. Adverting age failed to teach means for determining the geographic location associated with an Internet protocol address, means for grouping the geographic location into uniform stated geographic area, means for inputting and maintaining records in the database. Houri teaches means for determining the geographic location associated with IP address, grouping the geographic location into uniform stated geographic area, and a first database for storing IP address and corresponding geographic location, means for inputting and maintaining records in the database, means for accessing the database and assigning a stated geographic area. Houri teaches location tracking system used in a situation where a website can provide appropriate information corresponding to the geographic location of the user visiting the site and providing reports illustrating the geographic dispersion of the website clientele, the report being accessible both on-line or on printable format (see abstract, fig. 2, 6-9, col. 1 line 30 to col. 2 line 41, col. 3 lines 9-40, col. 7 lines 27-58, col. 8 line 50 to col. 9 line 3, and col. 13 line 27 to col. 14 line 42). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention was made to adapt tracking system as in Houri in Advertising Age's website and determine the geographical location of the users and correlate to stated geographic area and store the information in a system data base in order to provide the advantage taught by Houri, such as track the rate of responses to their advertisement and/or content and to improve marketing and provide relevant information corresponding to that geographical location (see col. 1 lines 40-54 and col. 13 line 4 to col. 14 line 42). Advertising Age teaches running ads for specific days (three-day ad schedule), plurality of geographic location (plurality of publications), use of web address on the ads and measuring the effectiveness of the each medium

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in driving traffic to the site, i.e., tracking Internet-related goals (accessing the web site) achieved by the Internet user related to his accessing the Internet website, however does not explicitly teach inputting the timing of occurrences of the Internet-related goals (user accessing the site). Muret teaches tracking web related goals and correlating and reporting the timing of Internet related goals, and providing report of activities of specific time period (see col. 1 line 45 to col. 2 line 32, col. 5 line 1 to col. 6 line 27 col. 7 line 4-15, col. 22 lines 5-60, col. 32 lines 56-68). It also would have been obvious to one of ordinary skill in the art at the time of the invention to implement tracking the timing of Internet-related goals as Muret, in Advertising Age's system (measuring effectiveness of ads that lead to a website), in order to track user's navigation within the website. One would be motivated to track the timing of the internet-goal in order to quickly assess which visitors are responsible for corresponding web server traffic and for advertiser to track how effective the banner ads are, and the location and behavior of shoppers, as taught by Muret (see col. 22 lines 28-34 and col. 23 line 49 to col. 24 lines 33).

Regarding claims 2-8, Advertising Age does not teach report comprising a media type, media name stated geographic area, compiled continuously from start date to end date, and residual period, summary of Internet traffics summary of Internet-related goals, wherein the Internet goals comprise sales, downloads, etc., graphical representation, etc, it is taught in Muret (see col. 12 lines 45-62, col. 19 lines 28-55, col. 23 lines 5-63, col. 26 line 23 to col. 29 line 29). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such report, as taught in Muret in order to provide advertisers detailed or specific or summarized report, or report with a "date range", etc, depending on the report chosen by the

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advertiser or website owner in order to make valuable business decisions, as taught by Muret (see col. 21 line 16 to col. 23 line 41).

### ***Response to Arguments***

Applicant's arguments filed September 2, 2005 have been fully considered but they are not persuasive. Applicant argues that from the prior art "Advertising Age" article it is clear that the Intel's ad campaign was not intended to directly sell chips to end users. The claim recites means for determining the Internet Protocol address of an Internet user accessing said Internet website address; means for tracking the timing of Internet-related goals achieved by said Internet user related to his accessing said Internet website address; means for accessing said second database and assigning a stated geographic area to said user's Internet-related goals. The article teaches posting an ad campaign to steer **customers** to the web site and measuring responses to the ad. The claim recites user of Internet site, and whether the Internet user is a manufacturer or not is still a customer using the site. The prior art teaches user or end user of the advertised product. Applicant also argues that the article only mentions advertisement placed in print media and on banner ads. The claim recites an advertising media purchase placed in either of movies, video, television, interactive television, radio and print, and the prior art teaches placing the ad in either one of those places since the article teaches placing the ad in print or banner ads. The article teaches that the ad is being placed in The New York Times, USA Today and The Wall Street Journal and other business magazines, which indicates that Intel promoting the ad in different media purchases. The "residual period" is taught in Muret, not "The Advertising age" article. Applicant argues that Houri does not teach grouping of geographic locations of IP address into uniform stated geographic areas. Houri teaches the geographic location of the user

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to include a detailed level such as the street address of the user, or may include less detailed levels such as city, state and country information (see col. 7 lines 52-58). Hourl also teaches generating maps illustrating the geographical dispersion of the website's clientele (see col. 14 lines 17-36).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine is taught by the prior art, as indicated in the rejection above.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YR

  
RETTA YEHDEGA  
PRIMARY EXAMINER